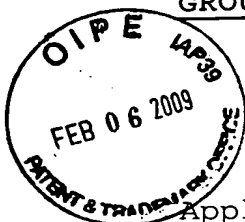


RESPONSE UNDER  
37 C.F.R. §1.116  
EXPEDITED PROCEDURE  
GROUP ART UNIT 1617

1/E AF



Docket No. 44657-AAA-PCT-US/JPW/GJG/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph R. Berger  
Serial No.: 10/052,961 Group Art Unit: 1617  
Filed : January 18, 2002 Examiner: S. Wang  
Title : A METHOD FOR AMELIORATING MUSCLE WEAKNESS/WASTING  
IN A PATIENT INFECTED WITH HUMAN IMMUNODEFICIENCY  
VIRUS-TYPE 1

30 Rockefeller Plaza, 20<sup>th</sup> Flr.  
New York, New York 10112  
February 3, 2009

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

NOTICE OF APPEAL FROM THE EXAMINER'S DECISION TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed September 3, 2008 finally rejecting pending claims 88-105 in the above-identified application.

Applicant is concurrently filing a Petition for Two-Month Extension of Time. Accordingly, this Notice of Appeal is being timely filed.

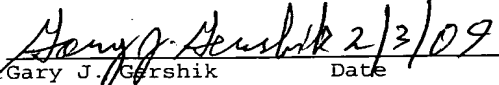
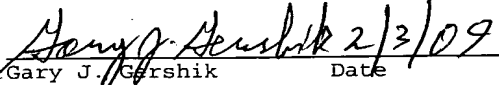
The required fee set forth in 37 C.F.R. §1.17(b) for filing a Notice of Appeal for a small entity is TWO HUNDRED AND SEVENTY DOLLARS (\$270.00), and a check in this amount is enclosed.

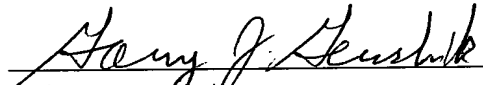
Applicant: Joseph R. Berger  
Serial No.: 10/052,961  
Filed: January 18, 2002  
Page 2

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$270.00 fee, is deemed necessary in connection with the filing of this Notice of Appeal. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
 Gary J. Gershik Reg. No. 39,992	 Date 2/3/09

  
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